

(2) THE PREVAILING WAGE RATE FOR OVERTIME FOR A WORKER SHALL BE AT LEAST TIME AND A HALF THE PREVAILING WAGE RATE FOR STRAIGHT TIME FOR THAT WORKER.

(C) EXCEPTIONS.

(1) IF FEWER THAN 50% OF THE WORKERS IN THE LOCALITY WORKING IN THE SAME CLASSIFICATION RECEIVE THE SAME WAGE RATE:

(I) THE PREVAILING WAGE RATE SHALL BE THE RATE PAID TO AT LEAST 40% OF THOSE WORKERS; OR

(II) IF FEWER THAN 40% RECEIVE THE SAME WAGE RATE, THE RATE SHALL BE A WEIGHTED AVERAGE RATE OBTAINED BY:

1. ADDING THE PRODUCTS OBTAINED BY MULTIPLYING EACH HOURLY RATE PAID TO WORKERS IN THE CLASSIFICATION BY THE NUMBER OF WORKERS RECEIVING THAT RATE; AND

2. DIVIDING THAT SUM BY THE TOTAL NUMBER OF WORKERS IN THE CLASSIFICATION.

(2) IF THE COMMISSIONER DETERMINES THAT THERE IS NOT A SUBSTANTIAL NUMBER OF COMPETENT WORKERS ENGAGED IN SIMILAR WORK IN THE LOCALITY, THE COMMISSIONER SHALL DETERMINE THE PREVAILING WAGE RATE BASED ON THE NEAREST LOCALITY WITHIN THE STATE THAT MOST CLOSELY APPROXIMATES THAT LOCALITY IN:

(I) POPULATION;

(II) DEGREE OF INDUSTRIALIZATION; AND

(III) SKILL OF WORK FORCE.

(D) REQUIRED ELEMENTS.

THE CALCULATION OF THE RATE PAID IN THE LOCALITY SHALL INCLUDE:

(1) THE BASIC HOURLY RATE OF PAY; AND

(2) ~~THE HOURLY RATE OF COSTS TO THE CONTRACTOR OR SUBCONTRACTOR THAT REASONABLY MAY BE ANTICIPATED IN PROVIDING THE FRINGE BENEFITS SPECIFIED IN SUBITEM (1) OF THIS ITEM UNDER AN ENFORCEABLE COMMITMENT TO CARRY OUT A FINANCIALLY RESPONSIBLE PLAN OR PROGRAM THAT IS COMMUNICATED IN WRITING TO THE WORKERS;~~ OR

~~(1)~~ AND EITHER:

(1) IF A CONTRACTOR IS NOT REQUIRED BY LAW TO PROVIDE FRINGE BENEFITS, THE HOURLY RATE OF CONTRIBUTION IRREVOCABLY MADE